Nixon's Silence Haunts Watergate

8/12/73

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He was the missing witness, the man that the Senate select Watergate committee wanted to know about. His name was invoked constantly in 37 days of hearings, his presence was felt almost palpably at times in the cavernous, marble-walled Senate Caucus Room that already has seen so much history.

"Now do you agree with me," committee chairman Sam J. Ervin Jr. (D-N.C.) asked as he pursued one of his favorite themes, "that of all the human beings on the face of the earth, the one who knows the most about this is the President himself, that is, about the President's state of knowledge?"

"What did the President know and when did he know it?" was the recurring question that committee vice chairman Howard H. Baker Jr. (R-Tenn.) put to witnesses who were close to President Nixon. Baker said that was the central question of the hearings.

The witnesses Ervin questioned agreed that only Richard Nixon could say with certainty what Richard Nixon knew. Baker's question received no definitive answer, although the committee got conflicting indications of what President Nixon may have known about the Watergate affair and when he knew it.

The stakes in the hearings are as high as they can be for the government of the United States. If the committee determines that President Nixon had prior knowledge of the Watergate break-in, or that he aided the cover-up or that he knowingly allowed the cover-up to continue, then a firm foundation will have been laid for proceeding with the impeachment of the president of the United States.

President Nixon, Ervin has said, has the means at his disposal to establish his innocence. But the fact is that President Nixon has not testified, he has withheld presidential papers, docu-

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ments and tape recordings of conversations he held with others about the Watergate affair.

In refusing to turn the tapes over to the committee, President Nixon has held steadfastly to his stated belief that providing the tapes and other presidential papers would violate the constitutional doctrine of separation of powers. In addition, Mr. Nixon argued, the tapes are inconclusive.

"The fact is," Mr. Nixon wrote Ervin July 23 in explaining why he would not turn the tapes over to the committee, "the tapes would not finally settle the central issues before your committee. Before their existence became publicly known, I personally listened to a number of them.

"The tapes are entirely consistent with what I have stated to be the truth. However, as in any verbatim recordings of informal conversations, they contain comments that persons with different perspectives and motivations would inevitably interpret in different ways," Mr. Nixon said.

Missing witness or not, the committee still was able to uncover facts and to illuminate the White House that President Nixon occupies and directs.

A picture begins to emerge that at the least, the testimony indicates that Mr. Nixon missed several opportunities to remove what former White House counsel John D. Dean III called the "cancer on the presidency." At worst, the testimony—if believed—indicates that Richard Nixon knowingly permitted the malignancy to grow.

The defense of President Nixon was delivered most forcefully by Haldeman and his close friend and associate, former top presidential domestic adviser John D. Ehrlichman. They were known derisively in Washington as "Hans and Fritz" and "the Berlin Wall" because of their closeness, their German ancestry and their zealous guardianship of access to the President of the United States.

The mind set of the Nixon White House also became a subject of inquiry.

The committee produced political memos that circulated in the White House among aides who seemed to have a businesslike but damning habit of committing their vindictiveness and questionable conduct to paper.

John Dean, the efficient White House lawyer who turned into the ultimate loner as he became President Nixon's chief accuser, gave the White House "enemies list" to the committee and thus to the world.

The hearings produced startling revelations—a White House memo warning that the favorable settlement of antitrust suits against ITT could be placed "on the President's doorstep," the "enemies list," the disclosure by former White House aide Alexander P. Butterfield that President Nixon "automatically" recorded all his conversations in the White House Oval Office and on several of his telephones, and then two weeks later, the almost casual statement by former White House chief of staff H. R (Bob) Haldeman that had twice listened to those tapes, once while working in the White House and later, in July, while a private citizen.

The broad concern for "national security" that translated itself into the break-in at the office of Daniel Ellsberg's psychiatrist, the desire for "intelligence" about political and public figures and the frustration of President Nixon and the men around him at the apparent unwillingness of the Internal Revenue Service to audit tax returns of administration foes were explored as evidence of the "we-they" perspective through which persons in the White House viewed the outside world.

The history of the Watergate affair has shown that each time that it seems the bottom line in revelations has been reached, something more startling is

revealed.

The President's tapes produced a unique constitutional confrontation between the Senate committee and special Watergate prosecutor Archibald Cox on the one hand and President Nixon on the other.

The disclosure of a memo written by special counsel to the President Charles W. Colson about the settlement of the Justice Department's antitrust suit against the international conglomerate ITT promises to produce a new inquiry by the Senate Judiciary Committee into whether or not justice was sold for a pledge of a $400,000 donation to the Republican National Convention. The Colson memo mentions other internal administration memos that would "directly involve" President Nixon and "lay this case on the President's doorstep."

Summer in Washington is normally a time for doing only the most necessary work. The heat and the humidity induces torpor. But this summer Washington has been consumed with Watergate. One goes almost nowhere in the hot, muggy nights here without hearing the same questions asked over cocktails and dinner that the Senate Committee and its staff have struggled over for weeks.

What, indeed, did the President know and when did he know it? How could he not have known? Why didn't someone tell him? Was Dean telling the truth? What was the motivation for the cover-up? Did President Nixon purposely leak the existence of the tapes to support his case in public? Why did Haldeman give in so easily, after initially balking, when the committee refused to accept his invocation of executive privilege about what he heard in the tape of the March 21, 1973, conversation between President Nixon and Dean when Dean said he told Mr. Nixon everything about the Watergate affair?

What Nixon Knew

"The question is asked," Harry Robbins Haldeman told the committee in his opening statement, "'How could the President *not* have known?" Very easily. Reverse the question. How could the President *have* known?"

The defense of President Nixon was delivered most forcefully by Haldeman and his close friend and associate, former top presidential domestic adviser John D. Ehrlichman. They were known derisively in Washington as "Hans and Fritz" and "the Berlin Wall" because of their closeness, their shared German ancestry and their zealous guardianship of access to the President of the United States.

President Nixon returned their demonstration of loyalty even as he accepted their resignations last April 30. "Thw of my closest associates in the White House," Mr. Nixon called them, "Two of my closest associates in the has been my privilege to know."

Haldeman outlined for the committee how Mr. Nixon organized his White House staff. "The decision facing the President," Haldeman said, "was whether to watch all the details, see whoever wanted to see him, read everything that was sent to him; or to delegate that authority and, by the exercise of major self-discipline, spend his time on the largest issues that confronted the people he was elected to represent.

"The easy decision," Haldeman said with a phrase that has a familiar Nixonian ring to it, "would have been to follow the first course because that course would have made him popular and accessible and show what has been called charisma or the nice guy. President Nixon elected to follow the second course. Some have called it isolation, but he viewed it as doing what he was elected to do."

On Aug. 29—73 days after the Watergate break-in—President Nixon made a statement on the Watergate affair, his first public utterance on the subject.

"Under my direction, counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present members of the White House staff or anybody in the government," Mr. Nixon told a press conference in San Clemente. "I can say categorically that his investigation indicates that no one in the White House staff, no one in this administration, presently employed, was involved in this very bizarre incident."

That statement, according to Dean, was wrong on at least two counts. First, the assertion that no one in the White House "presently employed" was involved was incorrect, Dean told the committee. Haldeman may have had prior knowledge of the Watergate bugging and his aide, Gordon C. Strachan, had destroyed "incriminating documents at Haldeman's direction" after five men were arrested inside Democratic headquarters at the Watergate on June 17, 1972, Dean testified.

Second, Dean said, he did not conduct an investigation "and I was very unhappy to have my name associated with the statement without being consulted whatsoever."

According to Dean, "the best part of my job was the title." He had little authority of his own, he told the committee. He was a messenger for Haldeman, Ehrlichman and Mitchell, Dean said, moving among the corridors of power, carrying messages, bringing back information, "putting out fires." He did not speak to President Nixon about the Watergate affair until Sept. 15, 1972, and then again not until February, 1973.

Dean told the committee that his activities in the cover-up were at the instruction of Haldeman, Ehrlichman and former Attorney General and Nixon campaign manager John N. Mitchell. And Dean said he kept them informed of his activities in furthering the cover-up.

Haldeman and Ehrlichman both denied Dean's description of his role. "There is absolutely no question in my mind or, I'm sure, in the minds of anyone at the White House, or at the Justice Department," Haldeman told the committee "that John Dean was in fact conducting an investigation for the White House regarding the Watergate as it might involve the White House. It is inconceivable to me that there could be any doubt in Dean's mind.

"Dean moved in immediately after the incident as sort of the Watergate project officer in the White House . . . Dean kept Ehrlichman and me posted from time to time on developments and, through us, the President.

"He apparently did not keep us fully posted and it now appears he did not keep us accurately posted.

"The President, Ehrlichman and I were very much involved in many other vital matters through this entire period and we made no attempt to get into the details of, or in any way take over, the Watergate case . . . Thus, as it now appears, we were badly misled by one or more of the principals and even more so by our own man, for reasons which are still not entirely clear.

"At no time did I give Dean any instructions to cover up anything in this case. I did, however, occasionally receive his verbal reports of the facts and his intended actions and relayed these to the President. None of these reports concerned a cover-up," Haldeman testified.

President Nixon had other sources of information. Former Attorney General Mitchell, the dour, pipe-smoking friend and confidant of Mr. Nixon who directed the 1972 campaign until June 30 and then remained on as an adviser, told the committee that by June 21 or 22 he knew significant facts about the Watergate affair, the Ellsberg break-in

and other White House-directed acts that he called "White House horrors."

Mitchell said he spoke with Mr. Nixon on June 20, before learning the facts. After he learned the facts, Mitchell said, he chose not to tell Mr. Nixon "so he could go on through the campaign without being involved."

Had Mr. Nixon known the facts, Mitchell testified, "he would just lower the boom on all of this matter and it would come back to hurt him and it would affect him in his re-election." Had Mr. Nixon asked him, Mitchell said, he would have "cited chapter and verse" of his knowledge. But Mr. Nixon never asked, Mitchell testified.

When the threat to President Nixon's re-election had been avoided after Nov. 7, Mitchell testified, he still did not inform Mr. Nixon of the cover-up. "It wasn't my responsibility to do so," he told the committee. "There were other people involved. They were changing the guard, so to speak, at the White House, and the fond hope was that the presidency would not be hurt by the activities of others that were carried on in the White House."

Former Acting FBI Director L. Patrick Gray III testified that with "fear and trepidation" he warned President Nixon on July 6, 1972, that some of his aides were trying to "mortally wound" him. But Gray said that Mr. Nixon only told him to proceed with the investigation. "I frankly expected him to ask me some questions," Gray said. But Mr. Nixon never asked, Gray testified.

White House aide Richard A. Moore told the committee that last May 8, President Nixon said to him: "I have racked my brain. I have searched my mind. Were there any clues I should have seen that should have tipped me off? Maybe there were."

Two weeks later, in his May 22 statement, Mr. Nixon acknowledged that Gray had told him on July 6, 1972 "that the matter of Watergate might lead higher . . . It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee. I was not aware of any such efforts at the time."

"The view of all three of us," Haldeman said, referring to himself, Ehrlichman and Mr. Nixon, "through the whole period was that the truth must be told, and quickly, although we did not know what the truth was. Every time we pushed for action in this direction we were told by Dean that it could not be done. His concern, as I understood it, was that the case was complex, it involved the rights of defendants and other legal complexities, the facts were not clear and that nothing should be done publicly."

On Sept. 15, 1972—the day indictments were returned by a federal grand jury against the seven Watergate defendants—Dean was summoned to the Oval Office, where he found Haldeman and the President. The conversation was recorded, a fact known to Mr. Nixon and Haldeman, but not apparently to Dean.

"The President asked me to sit down," Dean told the committee. "Both men appeared to be in very good spirits and my reception was very warm and cordial. The President then told me that Bob (Haldeman) had kept him posted on my handling of the Watergate case. The President told me I had done a good job and he appreciated how difficult a task it had been and the President was pleased that the case had stopped with (Watergate conspirator G. Gordon) Liddy."

Dean said he told Mr. Nixon "that I thought that there was a long way to go before this matter would end and that I certainly would make no assurances that the day would not come when this matter would start to unravel."

If Dean's testimony and impressions concerning the Sept. 15 meeting are accepted, then President Nixon was aware of the cover-up at that time, if not earlier.

Haldeman, however, although supporting Dean on many of the details of the Sept. 15 meeting, put an entirely different interpretation on what Mr. Nixon knew.

Haldeman said that Dean was called to the meeting because "the President knew (he) had been concentrating for a three-month period on the investigation for the White House" and that "the President thought it would be a good time to give Dean a pat on the back."

Haldeman said it was "good news" that "when the indictments were brought down, after a thorough investigation, it had been established there was not any involvement by anyone in the White House." But Haldeman said, "There was no mood of exuberance or excitement on the President's part at the time the indictments were brought down. He does not take joy from the misfortunes of other people, and I don't think he found it very pleasant that the people had been indicted."

Although Haldeman confirmed many of the details of Dean's account of the meeting, the heart of the matter was the cover-up and on this point Haldeman was emphatic. "I totally disagree with the conclusion that the Presdent was aware of any type of cover-up and certainly Mr. Dean did not advise him of it at the Sept. 15 meeting," Haldeman said.

In January, Dean testified, he learned that special presidential counsel Colson had discussed executive clemency for Watergate conspirator E. Howard Hunt Jr. with President Nixon despite instructions from Ehrlichman not to do so.

Ehrlichman testified to the contrary that Colson, who was a friend of Hunt, spoke to Hunt's attorney but that Colson was first admonished not to discuss executive clemency.

According to Ehrlichman, President Nixon had told him sometime in July, 1972, that he "wanted no one in the White House to get into this whole area of clemency with anybody involved in this case, and surely not make any assurances to anyone."

Former Attorney General Richard G. Kleindienst testified, however, that sometime after the January Watergate trial but before the March sentencing of the Watergate defendants Ehrlichman and Dean had raised the subject of the sentencing of the Watergate defendants during a luncheon meeting when Kleindienst was still in office.

"Mr. Ehrlichman did not have much of a knowledge of the criminal justice system," Kleindienst said, "and I think they were talking about what happens when somebody is convicted of a crime, how the sentence is meted out, pens when you go to jail, when you are eligible for pardon, when do the cir- what is the probation report, what hapcumstances arise for executive pardon, and it was a technical procedural discussion that I had. No individual name was mentioned."

Assistant Attorney Genreal Henry E. Petersen, who supervised the Watergate prosecution as the head of the Justice Department's criminal division, recalled more details of the meeting when he followed Kleindienst to the witness table.

Petersen, who did not attend the luncheon meeting, said that immediately after it Kleindienst told him, " 'I just had lunch with Dean and Ehrlichman and they raised a question of whether or not leniency could be accorded these defendants.' And I said," Petersen told the committee, " 'Absolutely not.' I said, 'Indeed, we are going to do just the contrary . . . We intend to recommend jail time for these people.' "

Dean testified that he began meeting personally with President Nixon in late February to begin preparations for the upcoming Senate Watergate hearings.

On March 13, Dean testified, he had a meeting with President Nixon. Toward the end of the discussion, Dean testified, "I told the President about the fact that there were money demands being made by the seven convicted defendants . . . I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it could cost. I told him that I could only make an estimate that it might be as high as a million dollars or more. He told me that that was no problem, and he also looked over at Haldeman (who Dean said came in while the discussion was under way) and repeated the same statement.

"He (Nixon) then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been committed and the need for said that he had discussed this matter with Ehrlichman and contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had discussed it with him later. He expressed some annoyance at the fact that Colson had also discussed this matter with him."

Haldeman, who told the committee that he had listened to President Nixon's tape recording of the March 21 meeting, testified that "there is a gen-

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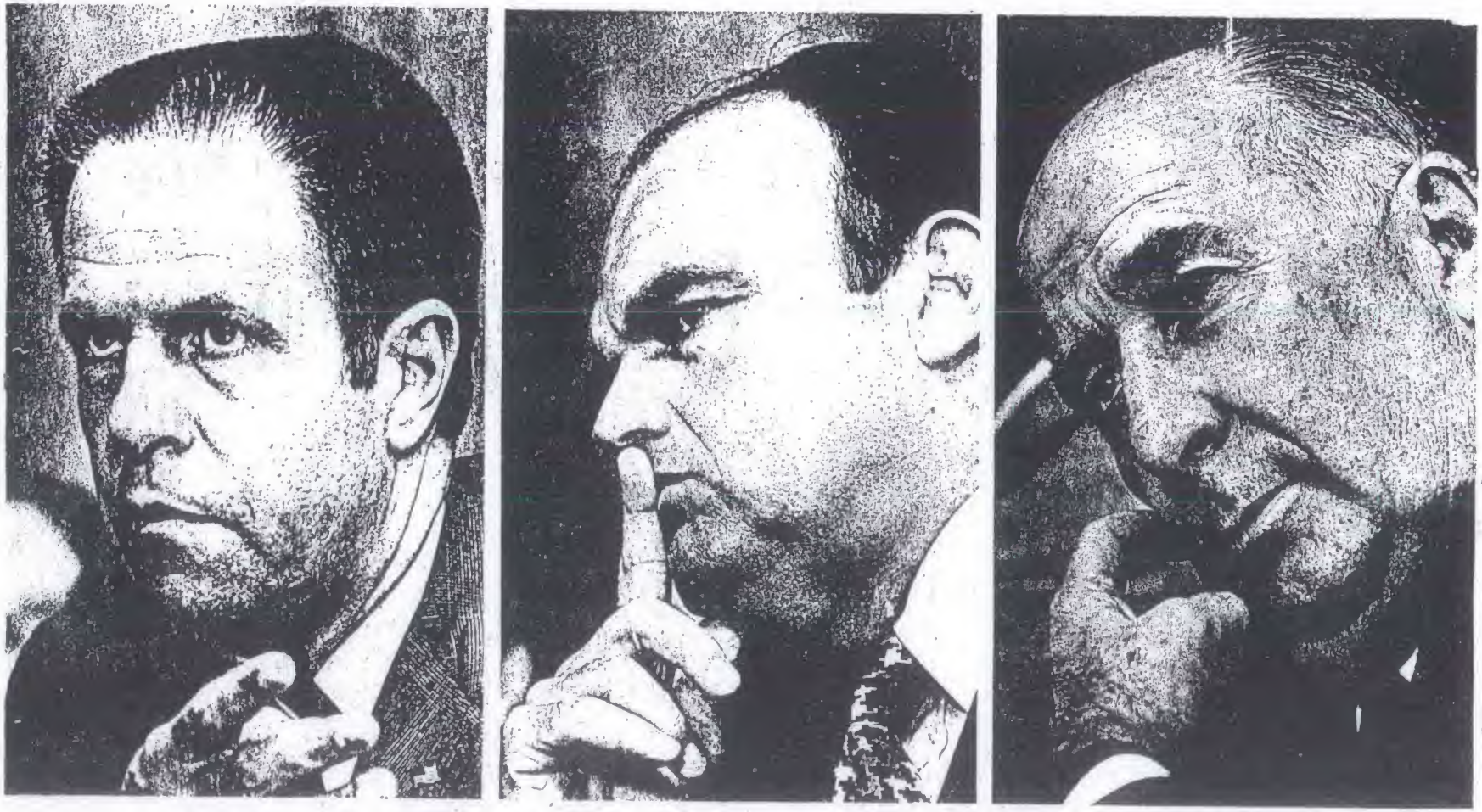

H. R. Haldeman, John Ehrlichman and John N. Mitchell: defenders of the President before the Senate Watergate committee.

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that it would be an excellent idea if I gave some sort of briefing to the Cabinet and that he was very impressed with my knowledge of the circumstances but he did not seem particularly concerned with their implications."

Haldeman's version of the March 21 meeting between Dean and Mr. Nixon supports Dean on several details except that Haldeman asserts that Dean told Mr. Nixon facts on March 21 that Dean said he told Mr. Nixon on March 13. More important, however, is that Haldeman's interpretation of the meeting is entirely different than Dean's.

"I have the clear impression," Haldeman testified, "that he (Nixon) was trying to find out what it was Dean was saying and what Dean was recommending. He was trying to get Dean's view and he was asking him leading questions in order to do that. This is the method the President often used when he was moving toward a determination."

Dean, Haldeman said, drew the "erroneous conclusion that the President was fully knowledgeable of the cover-up" at the March 13 meeting and that Dean "drew his conclusion from a hypothetical discussion of questions since the President told me later that he had no intention to do anything whateyer about money and had no knowledge of the so-called cover-up."

Mr. Nixon himself has on two occasion—April 17 and April 30—mentioned March 21 as a watershed date for him in his becoming aware of the Watergate cover-up.

Mr. Nixon's April 30 statement is puzzling, however, when it is held up against testimony before the committee.

On April 30, Mr. Nixon said that "new information" had come to his attention on March 21. "As a result," Mr. Nixon said during his April 30 speech, "on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office." As he spoke the words "right here in this office" Mr. Nixon's voice took on a quality of cold anger.

Mr. Nixon did not specify whom he ordered to report to him, however. The White House has consistently declined to elaborate on that statement.

The testimony of the three top Justice Department officials responsible for the Watergate investigation at the time did not support Mr. Nixon's statement. Former Attorney General Kleindienst, Assistant Attorney General Petersen and former acting FBI Director Gray all told the committee that Mr. Nixon had not given them orders at any time before April 15 to conduct "intensive new inquiries" or to "report . . . directly" to him.

Ehrlichman, however, testified that it was not until March 30 that Mr. Nixon asked him to conduct an inquiry. Ehrlichman declined to characterize his efforts as an "investigation" since he said he interviewed only about half a dozen people.

So the question must be raised: To whom, if anyone, did Mr. Nixon give his orders on March 21?

Dean told the committee that no investigation was conducted. As a result of his meetings on March 21 alone with Mr. Nixon and then with Haldeman, Ehrlichman and Mr. Nixon, Dean said he drew one conclusion: "It was quite clear that the cover-up as far as the White House (was concerned) was going to continue."

Nothing in the public record suggests that Mr. Nixon received any information from anyone outside this group—aside what was reported in the press—until April 15 when Kleindienst and Petersen reported to Mr. Nixon for the first time that the prosecutors had made a breakthough in their investigation, that Dean and former deputy Nixon campaign manager Jeb Stuart Magruder had been cooperating with the investigation and that Mitchell, Haldeman and Ehrlichman had been implicated. Petersen said he told Mr. Nixon that "while I couldn't say we had a criminal case at the time, one was in the offing."

Petersen said he recommended to Mr. Nixon that Haldeman and Ehrlichman be dismissed, a recommendation that Mr. Nixon initially resisted.

It was only two days later that Mr. Nixon announced publicly that "there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth."

Between the time of his meeting with Kleindienst and Petersen and his announcement, according to testimony, Mr. Nixon met the night of April 15 with Ehrlichman and Dean separately, and then on April 16 tried to force Dean's resignation.

The night of April 15, Dean told the committee that he met with Mr. Nixon in his Executive Office Building office. "The President almost from the outset began asking me a number of leading questions, which made me think that the conversation was being taped and that a record was being made to protect himself," Dean testified. According to other testimony, Dean's suspicion that the conversation was recorded was well-founded.

Dean said that he informed Mr. Nixon that he had been to see the prosecutors and had told them of Dean's own involvement and the involvement of others.

Two statements made by Mr. Nixon during that meeting, according to Dean's account of it, are of interest. Dean said that Mr. Nixon told him "that he had, of course, only been joking" when Mr. Nixon said "that $1 million was nothing to raise to pay to maintain the silence of the defendants."

"The most interesting thing that happened during the conversation was very near the end," Dean said, "he got up out of his chair, went behind his chair to the corner of the Executive Office Building office and in a barely audible tone said to me, he was probably foolish to have discussed Hunt's clemency with Colson. I do not recall that I responded."

If believed, Dean's account of this incident is evidence of Mr. Nixon's complicity. If disbelieved. Dean's account could be interpreted by a skeptic as his attempt to support his version—in the face of his suspicion that the conversation was taped—by attributing an incriminating but "barely audible" remark to Mr. Nixon. "I do not recall that I responded," Dean added, a remark which in the context of a skeptical interpretation, would explain why nothing on the tape would suggest Mr. Nixon had said anything like what Dean attributed to him.

It is not clear whether Mr. Nixon met with Ehrlichman before or after his talk with Dean on the night of April 15. Ehrlichman testified that during this meeting he first learned from Gray, in a telephone conversation, that he had destroyed documents from Watergate conspirator Hunt's safe that Dean and Ehrlichman had given Gray on June 28.

Not only does Ehrlichman's account of the conversation with Gray conflict with Gray's account, but Ehrlichman's account of the steps Mr. Nixon took conflicts with testimony by Kleindienst and Petersen.

Ehrlichman said he made two phone calls to Gray. In the first, according to Ehrlichman, Gray told him that the documents had been destroyed and asked for Ehrlichman's support in keeping that fact from being disclosed. Ehrlichman said he hung up "nonplussed" by what Gray had told him. After discussing the matter with Mr. Nixon, who was sitting nearby, Ehrlichman said, he called Gray back to make it clear that Gray could expect no support from Ehrlichman.

Ehrlichman said Mr. Nixon "forebore" in firing Gray as acting FBI director at the request of Petersen or Kleindienst, who wanted to investigate the matter and try to get a statement from Gray.

Gray's account was that he spoke to Ehrlichman twice and that neither conversation lasted more than 15 seconds. Gray said in the first conversation Ehrlichman told him only that Dean had been talking to the prosecutors and " 'we' think you ought to know

about it."

In the second conversation, Gray testified, Ehrlichman told him, " 'Dean has been talking about the files he gave you and you better check your hole card.' " Gray said he told Ehrlichman, " 'John, those papers were destroyed long ago.' " According to Gray, nothing more was said.

Neither Kleindienst nor Petersen indicated under questioning that Mr. Nixon had suggested to them that Gray should be fired or that they asked him to "forbear" in firing Gray so that they could conduct an investigation.

Motivation for Cover-Up

"I had no personal motivation to cover up anything because I had no personal involvement," Haldeman told the committee, "and I knew the President had no involvement. I understood and believed that no one else in the White House was involved in the Watergate planning and break-in, and I still understand and believe that."

It is not the function of the Senate Watergate committee, as so many of its members are quick to point out, to act as a tribunal, to sit in judgment on the guilt or innocence of the witnesses who appear before it.

Nonetheless, the question of motive is relevant to the committee's inquiry. The facts cannot be determined, the conflicts in the testimony cannot be resolved without also considering the possible reasons for what happened.

What possible motive could there be for the cover-up? For Haldeman? For Ehrlichman? For Dean and Mitchell? And ultimately, for President Nixon

According to a White House statement issued by special counsel to the President J. Fred Buzhardt while Dean was testifying in June, the Watergate break-in provided no motive for President Nixon's involvement in the cover-up despite the election campaign. "It would have been embarrassing to the President if the true facts had become known shortly after June 17th," the statement said, "but it is the kind of embarrassment that an immensely popular President could easily have weathered."

The statement attributes a motive to Dean and Mitchell—that Dean had attended meetings where plans for the break-in were discussed, and that Mitchell, according to Magruder's testimony, had approved the break-in.

Dean has admitted participating in the cover-up without explaining clearly why. Mitchell has denied criminal participation but has admitted involvement in and knowledge of an effort to "keep the lid on" so as not to jeopardize President Nixon's chances for reelection.

Haldeman and Ehrlichman both have denied participation in or knowledge of the cover-up, although they admit knowing money was being raised and paid to the Watergate defendants. They both testified that they thought the money was to be used for legal fees and family support of the Watergate defendants. They both have denied, however, that they were aware that the money was used to buy the defendants' silence—a criminal act.

President Nixon has denied knowledge of or participation in the Watergate break-in and the cover-up.

Isolating the Watergate break-in, if the testimony that Haldeman and Mitchell had prior knowledge and/or received the fruits of illegal wiretaps is believed, then they had a possible motive for participating in the cover-up. In its simplest form, that motive would be self-protection from revealing criminal acts.

If the testimony against Ehrlichman is believed, he participated in the cover-up. But for what motive, since no testimony implicates Ehrlichman in the Watergate affair prior to June 17? Would friendship for Haldeman be sufficient motive for Ehrlichman? Concern for President Nixon's re-election? Or, would some other act provide a motive of Ehrlichman and others?

Without accusing Ehrlichman directly or implicitly, Mitchell suggested a possible motive in his testimony—the Ellsberg break-in, which Mitchell referred to as one of the "White House horrors" he found potentially damaging to President Nixon's campaign.

During the hearings, the Senate Committee produced an Aug. 11,1971, memo from two White House aides, Egil M. (Bud) Krogh Jr. and David Young, supervisors of the White House special investigation unit known as the "plumbers," to Ehrlichmen. The memo recommended that a "covert operation be undertaken to examine all the medical files still held by Ellsberg's psychoanalyst covering the two-year period in which he was undergoing analysis."

Ehrlichman admitted that he had initialled approval of the "covert operation," and that he had written under his approval, "if done under your assurance that it is not traceable."

The break-in was accomplished over the 1971 Labor Day weekend by a team directed by White House aides G. Gordon Liddy and E. Howard Hunt Jr., both of whom were later convicted in the Watergate break-in. Two of the men who actually performed the break-in were Bernard L. Barker and Eugenio R. Martinez, later arrested inside the Democratic offices at the Watergate.

Ehrlichman presented several arguments to show why he lacked concern about the Ellsberg break-in being disclosed. Some of his arguments before the committee appear to conflict.

Ehrlichman told the committee:

- That in approving the "covert operation," he did not contemplate a break-in. Ehrlichman said he thought aid would be enlisted to help obtain the Ellsberg files.
- That he did not know that a break-in would be conducted before it occurred.
- That he disapproved of the break-in after he learned of it—even though he thought it was legal—but because he thought it could be politically embarrassing.
- That he was not concerned in June, 1972, that the break-in would be revealed since those who knew would not disclose it.
- That even if the break-in were disclosed publicly, the American people would understand the necessity of it to protect the national security—an argument that seems to conflict with Ehrlichman's statement that the disclosure of the break-in could be politically embarrasing.

Ehrlichman's argument that the President has the authority to override the constitutional rights of individuals in the name of national security provoked a clearly drawn debate between him and committee members over fundamental American principles.

His assertion that in approving the "covert operation" against Ellsberg's psychiatrist he was not knowingly approving a break-in was received with apparent skepticism by several committee members.

And his admission, after initially denying it, that disclosure of the break-in would be politically embarrassing could by itself provide a possible motive.

Ehrlichman's assertion that he had no reason to fear disclosure of the Ellsberg break-in in June, 1972, can also be questioned. On June 17, two of the Ellsberg break-in participants—Barker and Martinez—were in jail. Ehrlichman was not asked if he knew on June 17 or soon after that they had participated in the Ellsberg break-in.

But even if he did not know that Barker and Martinez could be linked to the Ellsberg break-in, Ehrlichman knew on June 17 that Hunt's name already had been turned up by the police in connection with the Watergate affair, according to Ehrlichman's testimony. And Ehrlichman knew that Hunt was also involved in the Ellsberg incident.

Whether the threat of disclosure of the Ellsberg break-in was seen by Ehrlichman as sufficient cause for justifying the Watergate cover-up is a subject for conjecture. The disclosure did result in: a mistrial being declared against Ellsberg and codefendant Anthony Russo with the government's case against them for leaking the Pentagon Papers thrown permanently out of court; a national furor over the rev-

John Dean: "The President told me I had done a good job . . ."

elation of the break-in; searching inquiries from Congress into the activities of the Nixon White House and administration; a crisis that threatened the presidency of Richard M. Nixon. That is the whirlwind that disclosure of the Ellsberg break-in produced.

And the possibility must at least be entertained that Ehrlichman could have perceived that threat last June.

But the more important question again is what did President Nixon know about the Ellsberg break-in and when did he know it?

Dean testified that he had been told by Krogh that his orders came directly from the "Oval Office," President Nixon's White House office. Krogh's affidavit, filed in May before U.S. District Judge W. Matt Bryne in Los Angeles states that Ehrlichman told him that the break-in "far exceeded the scope of any covert activity which had been approved in advance."

Petersen told the committee that when he first approached Mr. Nixon with a report about the Ellsberg break-in last April 17, Mr. Nixon said," 'I know about that. That is a national security matter. You stay out of that. Your mandate is to investigate Watergate.' "

"Now," Petersen told the committee, "He didn't say he knew about the burglary. He said he knew about it—the report. I think that is a vital distinction to be made."

Petersen said he later enlisted the help of Kleindienst to change Mr. Nixon's mind about disclosing the break-in. Petersen said he and Kleindienst had agreed that they would resign unless Mr. Nixon consented to the disclosure.

In his May 22 statement, Mr. Nixon asserted that he "did not authorize and had no knowledge of any illegal means to be used" by the "plumbers"in carrying out their mission of investigating Ellsberg. Mr. Nixon did not say when he learned of the break-in.

Mr. Nixon also said in that statement that after he learned of Hunt's involvement in the Watergate affair, "I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the special investigations unit itself."

"I knew," Mr. Nixon said, "that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive."

Was the White House cover-up motivated by a concern to protect President Nixon? Or was the motivation to conceal from him as well as the American people illegal acts perpetrated by overzealous White House aides who disregarded legal and constitutional barriers in carrying out his orders or missions of their own?

White House 'Mentality'

Questions of fact aside, the hearings have illuminated what Sen. Lowell P. Weicker Jr. (R-Conn.) called the "mentality in the White House" under President Nixon. Testimony before the committee has established:

- An "enemies list" was maintained of persons perceived as hostile to the Nixon administration. Attempts were made to pressure the Internal Revenue Service into auditing the tax returns of some of these "enemies."
- Haldeman was preparing early this year to launch a publicity campaign aimed at linking Sen. George McGovern (D-S.D.), the 1972 Democratic presidential candidate, and his

party to "foreign and Communist money that was used in support of demonstrations against the President in 1972."

• The White House may have welcomed violent and obscene demonstrations against President Nixon during last year's campaign as part of a campaign to blame the Democratic Party for the violence.

• Private investigators were hired by the White House to investigate the sexual activities, drinking problems and domestic lives of political figures with the intention of using the intelligence gathered in political campaigns.

• That President Nixon approved in July, 1970, a domestic intelligence-gathering plan that he was advised included "clearly illegal" activities. Mr. Nixon soon withdrew his approval of the plan, which was to use burglary, wiretapping and mail inspection, after then-FBI Director J. Edgar Hoover registered strong objections to it.

In his opening statement, Dean told the committee, "The Watergate matter was an inevitable outgrowth of a climate of excessive concern over the political impact of demonstrators, excessive concern over leaks, an insatiable appetite for political intelligence, all coupled with a do-it-yourself White House staff, regardless of the law.

"The White House," Dean said, "was continually seeking intelligence information about demonstration leaders and their supporters that would either discredit them personally or indicate that the demonstration was in fact sponsored by some foreign enemy. There were also White House requests for information regarding ties between major political figures—specifically members of the U.S. Senate—who opposed the President's war policies."

Former deputy Nixon campaign manager Jeb Stuart Magruder told the committee that the activities of anti-war demonstrators influenced the attitudes of White House officials. Magruder said he brought those attitudes to his involvement in the Watergate affair.

"When these subjects came up," Magruder said, "and although I was aware they were illegal, and I am sure the others did, we had become somewhat inured to using some activities that would help us in accomplishing what we thought was a cause, a legitimate cause . . . There was that feeling of resentment and of frustration at being unable to deal with issues on a legal basis."

Ehrlichman denied in his testimony that President Nixon is "paranoid, weird, psychotic on the subject of demonstrators or hypersensitive to criticism." At the same time, Ehrlichman asserted that the bombings, demonstrations and "a highly organized attempt to shut down the federal government" concerned President Nixon.

"Taken as isolated incidents," Ehrlichman said, "these events were serious. Taken as a part of an apparent campaign to force upon the President a foreign policy favorable to the North Vietnamese and their allies, these demonstrations were more than garden variety exercise of the First Amendment."

So one more question pervades the hearings, posed by Sen. Weicker and not clearly answered by Haldeman, who said, "I am not sure any of us really know what the true explanation is."

"I just wonder," Weicker had asked Haldeman, "I realize my time is running out and I have many questions . . . but I just wonder in light of your statement where the President emphasized the qualities of integrity, intelligence and initiative, and I have seen so many young people come before this particular committee in their various capacities with the Committee to Re-elect the President, and I have seen other persons of a more mature age, who had various functions to perform in government, and I have seen so many lives just so completely shattered, if you will, on the very quality which you emphasize or you said you emphasize in selecting people, who set the example for what happened?"